



DE-CARCERAL FUTURES:
BRIDGING PRISON AND IMMIGRATION JUSTICE

Workshop Convened by:

Sharry Aiken (Queen's Law & Cultural Studies),
Lisa Guenther (Queen's Philosophy & Cultural Studies) and
Stephanie J. Silverman (Trinity College, University of Toronto)

DATE

Thursday, May 9 to Friday, May 10, 2019

Queen's | LAW



Queen's

Cultural Studies

Queen's

Department of Philosophy



Social Sciences and Humanities
Research Council of Canada

Conseil de recherches en
sciences humaines du Canada

Canada

MESSAGE FROM THE ORGANIZERS

Dear workshop participants,

It is with great pleasure that we welcome you to Queen's University for what we hope will be two days of stimulating conversations. '**De-Carceral Futures: Bridging Prison and Immigration Justice**' workshop is convened by Queen's University (Faculty of Law, Department of Philosophy and Cultural Studies Program) in partnership with Trinity College in the University of Toronto and the Walls to Bridges Collective. The public outputs will be facilitated by *Policy Options*, a digital magazine and podcast published by the Institute for Research on Public Policy, and the John W. Graham Library.

We have received help from many sources while preparing for this event. At the outset, we would like to offer special thanks to Melissa Alexander, Simone Weil Davis, Rachel Fayter, and Denise Edwards from the Walls to Bridges Collective for planning and facilitating the opening session.

We extend our heartfelt appreciation to Megan Hamilton, whose hard work and competent administrative support has made this meeting possible. We would like to thank our volunteers Lydia Dobson, Adrienne Fanjoy, Jamie Buckland Foster, Tina Gougoushvili, Dallas Jokic, Jasmine Irwin, Sophie Lachapelle, Gaye Onurer, Michelle Soucy, Alisha Sharma, and Natalie Zhang for serving as rapporteurs and offering logistical support throughout the workshop.

We gratefully acknowledge the financial support of the Social Sciences and Humanities Research Council, Queen's Faculty of Law, Department of Philosophy, Cultural Studies Graduate Program, as well as the Ethics, Society, and Law program at Trinity College, University of Toronto

Finally, we would like to thank all of you: presenters, discussants and attendees, for taking time to join us –not just this week – but hopefully in the months and years ahead!

In solidarity,

 Sharry Aiken (Queen's Law & Cultural Studies)	 Stephanie J. Silverman (Trinity College, University of Toronto)
 Lisa Guenther (Queen's Philosophy & Cultural Studies)	Ozlem Ozlem Atar (PhD candidate, Queen's Cultural Studies)

A NOTE ABOUT THIS WORKSHOP

'De-Carceral Futures' will challenge the presumption that migrants pose security or flight risks and should be preventively detained. Successful migration governance can take place without detention and in a more humane and sustainable manner. De-Carceral Futures is hosted by Queen's University (Law, Philosophy, and Cultural Studies), Trinity College in the University of Toronto (Ethics, Society, and Law Program and John W. Graham Library) and co-sponsored by the Walls To Bridges Collective (W2BC) prison exchange trainers. The public outputs will be facilitated by *Policy Options*, a digital magazine and podcast published by the Institute for Research on Public Policy, Canada's leading independent think tank.

Immigration detention can be understood as a country's often-indefinite incarcerations of people who have not committed any crimes but who are suspected to have broken immigration rules. Despite legal strictures that civil detention must be non-punitive, non-arbitrary, and a last resort, detention is experiencing a meteoric and global spread. While most liberal, democratic countries legislated immigration detention only as recently as the 1970s, all are now producing laws and policies to expand the grounds to detain.

Detention enables deportation, interdiction (intercepting migrants as they transit on their way to other countries), and extraterritorial patrols by immigration police on foreign soil. Governments use detention purportedly to deter future, unwanted migrants from entering, and for sending a signal of strong, central control over borders and bodies. They also support or pressure each other to adopt and expand detention.

Detention's manifestations range from 6,000 – 8,000 indefinitely detained people per year in Canada; to over 44,435 individuals detained in the US on a single June day; the incarceration of 'boat people' in offshore processing centres in Nauru and Papua New Guinea; to the European Union's frontier 'hotspots', internal security governance, and its efforts to disrupt the flow of migrants from Sudan and sub-Saharan Africa into Europe.

Current scholarship is focused on untangling detention's relationships with crimmigration, carceral logics, and Othering. 'Crimmigration' law - or the importation of criminal norms and procedures into immigration law – facilitates the punishment of immigration offences with detention. Detention reinforces popular perceptions connecting crime to racialized immigrants, their children, and people who 'look like' newcomers, despite a large body of empirical research that finds no corresponding evidence. Beyond but related to these insights is a pressing need to renew and reinvigorate scholarly dialogue that gets at the roots of the problem: dialogue needs to focus not only on incremental reforms to detention release policies but how to ameliorate the conditions leading to and reinforcing the preventive incarceration of migrants. This fresh perspective is what will be produced by a tripartite dialogue amongst penal abolitionists, No Borders and open borders theorists, and detention experts.

'De-Carceral Futures' is a cross-disciplinary dialogue. Formerly incarcerated W2BC members will facilitate an opening session to challenge participants to rethink norms and stereotypes inherent to incarceration in order to build empathy and awareness of prisoners' plights. The 8 panels plus public keynote addresses will address topics ranging from the social consequences of arrest and bail; to the constraints and promise of human rights and constitutional law; to the ethical challenges of introducing algorithms to predict risks in

the search for alternatives to detention. Participants will produce and respond to papers as they work collaboratively to deconstruct detention's complexities.

'De-Carceral Futures' will create knowledge exchange and transfer amongst a diversity of participants and viewpoints. The workshop itself will serve as catalyst for forging new research partnerships amongst scholars and policy makers across the domains of law, political studies, criminology, migration studies, and prison studies. Two Calls for Papers have gone out for including workshop-related material in both *Citizenship Studies* and the *Journal of Law and Social Policy*. Materials produced in collaboration with community partners will filter out into the wider Canadian public.

Overall, we hope that the workshop's impacts on participants, dissemination of knowledge at local, national, and international levels and across scholarship, law, policymaking, and social activism, and related outputs will provide a new impetus for cross-jurisdictional and interdisciplinary conversations about future directions for detention policy.

AGENDA

*All sessions are held in Robert Sutherland Hall, Room 202, 138 Union St. W., unless otherwise indicated.

THURSDAY MAY 9

08:00 – 08:50 – Breakfast & Registration

08:50 – 09:00 – Land Acknowledgement

09:00 – 11:45 – Walls to Bridges Collective Training Session, with Melissa Alexander, Simone Weil Davis, Rachel Fayter, Denise Edwards (registration closed)

11:45 – 12:30 – Lunch & Registration

12:30 – 12:35 – **Welcome Remarks** – Joshua Karton, Associate Dean (Graduate Studies & Research), Queen's Law and Mayo Moran, Provost, Trinity College, University of Toronto

12:35 – 14:00 – Panel 1: Why Abolitionism in Immigration Detention?

Discussant: Bridget Anderson, University of Bristol

Sharry Aiken, Queen's Law

Detention Abolition in the “Hard” Cases

Jessica Evans, Ryerson University

Crisis, Capital Accumulation and ‘Carceral Keynesianism’ in the Aftermath of the Global Slump

Allegra McLeod, Georgetown University [via ZOOM](#)

No One Is Illegal, Not One More, and Abolish ICE: Movements to End Border Imperialism

14:00 – 15:15 – Panel 2: Epistemologies of Abolitionism

Discussant: Simone Weil Davis, Ethics, Society and Law Program, Trinity College, University of Toronto

Gillian Balfour, Trent University

Documenting Detention: Challenges and Assumptions of Privilege and Precarity in Academic Research

Dylan Rodríguez, University of California – Riverside [via ZOOM](#)

‘Mass Incarceration’ is a Useless Term: Race, Domestic War, and the Long Carceral Half-Century

Nandita Sharma, University of Hawai'i Manoa

States and Human Immobilization: Bridging the Conceptual Separation of Slavery, Immigration Controls, and Mass Incarceration

15:15 – 15:30 – Coffee Break

15:30– 17:00 – Panel 3: Ethical and Legal Imperatives for a World Without Immigration Detention

Discussant: Christina Clark-Kazak, University of Ottawa

César Cuauhtémoc García Hernández, University of Denver Sturm College of Law Migrating to Prison: Immigration in the Era of Mass Incarceration

José Jorge Mendoza, University of Massachusetts – Lowell [via ZOOM](#) Abolish ICE

Alexander Sager, University Studies and Philosophy, Portland State University [via ZOOM](#) Immigrant Detention and the Moral Logic of Abolitionism

Stephanie J. Silverman, Trinity College in the University of Toronto "Then I'll huff, and I'll puff, and I'll blow your house in." Three cautionary tales to test the argument for Canadian detention abolitionism

17:30 – 19:00 – **Keynote Addresses** with

Jonathan Simon, Adrian A. Kragen Professor of Law and Director of the Center for the Study of Law and Society, University of California – Berkeley: "Four Myths of Punitive Immigration Policies: Sovereignty, Discipline, Eugenics, and Broken Windows",

Harsha Walia, Activist, Researcher and Author of *Undoing Border Imperialism*: "Migrants are not Criminals: Challenging Movement Carceral Logics that Foreclose Solidarity" and

Stephanie J. Silverman (Chair), Trinity College, University of Toronto:

(Public Event/Advance Registration Required)

Location: Robert Sutherland Hall, Room 202

19:30 – Workshop Dinner, by invitation

FRIDAY MAY 10

08:00 – 09:00 – Registration & Breakfast

09:00-09:05 – Welcome Remarks: Christine Sypnowich, Department Head, Philosophy, Queen's;

09:05 – 10:35 – Panel 4: Canadian Reforms and the Lingering Penal Questions

Discussant: Lisa Kerr, Queen's University, Faculty of Law

Siena Anstis and Jared Will, Immigration & Refugee Lawyers The Uncooperative Migrant: The Legality of Coercive Detention

Harry Critchley, Burnside Prison Education Program & Coady Institute (Nova Scotia) & M'Bai Babou Jobe, former detainee and public advocate [via ZOOM](#)

"You Are the Author of Your Own Detention": Anti-Black Racism and the Institutional Epistemology of Ignorance in Canadian Immigration Detention Review Hearings

Louis-Philippe Jannard, Université du Québec à Montréal

Immigration Detention in Canada: A Socio-legal Study on the Engendering of Law

10:35 – 10:50 – Coffee Break

10:50 – 12:30 – Concurrent Panels

Panel 5: A Wider Lens on the Impacts of Detention on Women, Children, & Others

Discussant: Hon. Kim Pate, Senator

Salina Abji, Carleton University

Detention Avoidance or Detention Abolition? Analyzing the Politics of Immigration Detention for Pregnant Women and Vulnerable Groups

Marlené Mercado, University of California - Davis

Femme Technologies as Tools of Subversion and Resistance within Mexican (Im)migrant Womxn Digital Narratives

Sarah Turnbull, Birkbeck, University of London

Vulnerability, Immigration Detention, and (Penal) Reform

Panel 6: The Framework of Abolition, Room 211, Macdonald Hall, 128 Union St. West

Discussant: Lisa Guenther, Queen's University

Souheil Benslimane, Criminalization and Punishment Education Project	Carceral Expansion and Resistance in Canada (co-authored with Justin Piché, University of Ottawa)
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Sarah Ashford Hart, University of California, Davis	Performance Practice-as-research on Mobility and Enclosure: facilitating affective spaces of creative expression with detained immigrants
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David Moffette, University of Ottawa	Moving the fight upstream: Abolitionist responses to immigration policing
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12:30 – 13:00 – Lunch

13: 00 – 14:30 – Panel 7: Monitoring, Community, and Interpersonal Impacts

Discussant: Stephanie J Silverman, Trinity College in the University of Toronto

Susila Gurusami, University of Toronto via ZOOM	Carceral Migration: the Sociologies of Race, Space, and Punishment
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Petra Molnar, Immigration and Refugee Lawyer	Artificial Intelligence in Migrant Monitoring: Techno-Solutionism and the Impacts on Human Rights
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Nicole Myers, Queen's University	Becoming someone's jailer: Transforming personal relationships in the bail process
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Marlene Nava Ramos, City University of New York	The Infrastructure of Immigration Detention and Expansion of Electronic Monitoring in the Era of Carceral Reforms
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14:30 – 14:45 – Coffee Break

14: 45 – 16:15 – Panel 8: Learning from the Recent Past: Reducing or Eliminating Detention in Canada

Discussants: Nasrin Azar, Refugee Law Office & Nandita Sharma, University of Hawai'i Manoa

Roula Eatrides, Deputy Chairperson of the Refugee Protection Division, IRB;

Aviva Basman, Assistant Deputy Chairperson, IRB

Lisa Guenther, Queen's University

No Prisons on Stolen Land: Abolition and Decolonization as Interconnected Struggles

Janet Cleveland, McGill University; Michaela Beder, Psychiatry, University of Toronto; Hanna Gros, International Human Rights Program, University of Toronto Faculty of Law; Rachel Kronick, McGill University

Advocacy against immigration detention in Canada: comparing strategies of change

16:15 – 16:30 - Closing with Workshop Organizers

IMPORTANT EVENT INFORMATION

1. WIFI Access: see paper copy included in your folder
2. Social Media: If Tweeting/Facebooking/Instagramming about this workshop, please use the following hashtags #decarceralfutures at @queensulaw and @qlaw_research
3. Consent to Recording: The keynote will be live-streamed, and recorded for later use and potential public access. By remaining in the conference room you are confirming your knowledge and consent to inclusion in this recording and their subsequent use by the De-Carceral Futures group including but not limited to reproduction, publication, and communication.
4. Amey's Taxi: 613.546.1111 Modern Taxi: 613.546.2222

PRESENTERS AND DISCUSSANTS



Salina Abji recently completed a SSHRC postdoctoral fellowship at Carleton University examining the racialized and gendered politics of immigration detention in Canada. She holds a Ph.D. in Sociology from the University of Toronto. Dr. Abji's research has been published in *Citizenship Studies*, *the International Feminist Journal of Politics, Signs, and Social Politics*. For the past decade, Salina has also participated as a community organizer with the Rights of Non-Status Women's Network in Toronto.



Sharry Aiken is an Associate Professor at Queen's Law, a former Associate Dean (Research & Graduate Studies) and an affiliate with the Graduate Program in Cultural Studies. Professor Aiken teaches immigration law, refugee law, administrative law, law and poverty, and international human rights law. A past president of the Canadian Council for Refugees (CCR), Prof. Aiken was co-chair of CCR's Legal Affairs Committee from 1998 to 2016 and served as *pro bono* counsel in many precedent-setting cases before the Supreme Court of Canada. She also served Co-Chair of the Equality Rights Panel of the (former) Court Challenges Programme and Co-Chair of the Canadian Centre for International Justice. She is the author and co-editor of Canada's leading case book on Immigration and Refugee Law, currently in production for a third edition. Her research focuses on national security and border policies.

Melissa Alexander has been a facilitator with walls to bridges for almost 6 years...took 4 university courses at grand valley institution for women. Has been part of the collective to build relationships with community about social justice and share life experience in other speaking engagements. Is working with building up as a trainee becoming an apprentice in the construction field and a community outreach assistant for building up.



Bridget Anderson is the Director of Migration Mobilities Bristol and Professor of Migration, Mobilities and Citizenship. Her post is split between the Faculty of Social Sciences and Law and the School of Sociology, Politics and International Studies. Bridget has a DPhil in Sociology and previous training in Philosophy and Modern Languages. She is the author of *Us and Them? The Dangerous Politics of Immigration Controls* (Oxford University Press, 2013) and *Doing the Dirty Work? The Global Politics of Domestic Labour* (Zed Books, 2000). She co-edited *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy* with Martin Ruhs (Oxford University Press, 2010 and 2012) *The Social, Political and Historical Contours of Deportation* with Matthew Gibney and Emanuela Paoletti (Springer, 2013), and *Migration and Care Labour: Theory, Policy and Politics* with Isabel Shutes (Palgrave Macmillan, 2014).

Her work explores the tension between labour market flexibilities and citizenship rights and pioneers an understanding of the functions of immigration in key

labour market sectors. Her interest in labour demand has meant an engagement with debates about trafficking and modern-day slavery, which in turn led to an interest in state enforcement and deportation, and in the ways immigration controls increasingly impact on citizens as well as on migrants. Bridget has worked closely with migrants' organisations, trades unions and legal practitioners at local, national and international levels.



Siena Anstis is a refugee lawyer and Senior Legal Advisor to the Citizen Lab at the Munk School of Global Affairs & Public Policy at the University of Toronto. Previously, she clerked for Justice Cromwell at the Supreme Court of Canada and at the Court of Appeal for Ontario and worked as a litigation associate with Morrison & Foerster LLP in New York City.



Nasrin Azar has a strong history of over 30 years' experience in advocating for and working with refugees. She was awarded a Community Leader award by Seneca College in 2013. Nasrin volunteered in refugee camps for several years in Turkey. In 1988, she immigrated to Canada where she continued to work with refugees.

Nasrin is a strong communicator both within and outside LAO having provided workshops, teaching at the college level, and numerous other interactions with stakeholders. She is also a licenced paralegal from the Law Society of Upper Canada. Her contributions have garnered recognition, both within and outside LAO.

Nasrin works in immigrant and refugee advocacy and service including representing detainees as the various federal holding centres and in certain proceedings at the Immigration and Refugee Board. She was a member of the Immigration and Refugee Board (Refugee Protection Division) from 2003 – 2006. Currently she is a member of TRAC and she is the co-chair of the Inland Protection Working Group of the CCR.

Nasrin was one of the first employees of the Refugee Law office when it opened in 1994 and helped to establish it within the refugee and refugee-serving community as an expert and alternative service for refugee claimants receiving legal aid. Over time her experience along with that of other colleagues both within and outside LAO led them to identify a gap in service for detainees. She was one of those who saw that detained refugee claimants were an underserved population for whom the RLO could play an important role and still be consistent with the mandate of LAO. She was a key player in putting together a detailed proposal for the RLO to expand its role by representing refugee claimants at detention reviews. It was accepted and the detention work at the RLO has become one of its most visible and productive services. This example is one which demonstrates her capacity to think with a strategic purpose, develop a vision, and bring it to fruition enthusiastically embracing this part of the work.

Nasrin played a key role in the initiation of the discussion between the RLO and the Canada Border Services Agency (CBSA) on the possibility of having an office

space assigned to the Toronto Refugee Advisory Council (TRAC) within the detention centre. This was the first such agreement in Canada and was a model for other detention centres. To this day, TRAC enjoys office space at the CBSA detention centre and continues its service to detained clients. The office space has allowed the RLO to be more efficient in its services to detained clients.



Gillian Balfour is a Professor of Sociology at Trent University and Associate Dean of Teaching and Learning. She has published on the challenges of a feminist criminology in neo-liberal context, focusing on the disparate impacts of sentencing law reforms for criminalized and victimized Indigenous women and the use of victim impact statements in sexual assault cases. She is currently part of two studies on prisoner experiences of incarceration and re-entry; the Prison Transparency Project, a national research group documenting the experiences of incarceration from the perspective of former prisoners; and Community Reintegration of Aging Prisoners, an institutional ethnography of a halfway house for aging and terminally ill men on parole. She has recently completed an expansive archival study of Indigenous women prisoners in the Prison for Women.



Aviva Basman is Assistant Deputy Chairperson at the Immigration and Refugee Board of Canada, Toronto. She has been practicing immigration and refugee law since 2004 and has appeared before all divisions of the IRB, as well as the Federal Courts and Supreme Court of Canada.



Michaela Beder completed her psychiatry residency at the University of Toronto in 2013, and a fellowship in Public Psychiatry at Columbia in New York City in 2014. She has experience working at CATCH-Homeless and the Canadian Centre for Victims if Torture, and has worked with homeless populations in New York City. She is a recipient of the Ontario Psychiatric Association's Breakout Community Psychiatry Advocacy Award.



Souheil Benslimane lives, learns, loves and resists on the traditional, unceded and unsurrendered territories of the Algonquin Nation. Souheil spent over 6 years in Canadian jails and prisons where he largely contemplated the appalling treatment that criminalized folks are subjected to. Since his release from prison in March 2018, Souheil have been involved in social justice issues directly linked to his past, present, and future lived experiences. He is a member of Ottawa Sanctuary City Network (www.ottawasanctuarycity.ca) a group of local organizers advocating around migrant justice issues. He is also a member of the Criminalization and Punishment Education Project (www.cp-ep.org). Currently, he is the Coordinator of the Jail Accountability and Information Line (JAIL). Souheil is a lived experience expert whose advocacy, activism and writings are an endeavour to shine light on the violence carried out by the Canadian carceral state against criminalized and illegalized peoples, their loved ones, and society at large.



Christina Clark-Kazak is Associate Professor in the Graduate School of Public and International Affairs at the University of Ottawa, and President of the International Association for the Study of Forced Migration. She has previously served as Editor-in-chief of *Refugee: Canada's Journal on Refugees*, and President of the Canadian Association for Refugee and Forced Migration Studies. Prior to joining the University of Ottawa, she worked for York University (2009-2017), Saint Paul University (2007-2008) and the Canadian government (1999-2007). Her research focuses on age discrimination in migration and development policy, young people's political participation, and interdisciplinary methodologies in forced migration contexts. She holds a Doctorate from Oxford University, a master's from Cambridge University and a BA from the University of British Columbia.



Janet Cleveland is a researcher at the Sherpa Research Centre of the University Institute with regard to Cultural Communities, affiliated with McGill University. She holds degrees in psychology, anthropology and law. Since 2003, Janet has conducted research on the impact of public policies on the human rights and mental health and of refugee claimants and undocumented migrants, notably in the fields of immigration detention and access to health care.



Simone Weil Davis teaches at the University of Toronto, where she is associate director of Trinity College's Ethics, Society and Law program. Since 2005, Davis's work has focused on prison education, alternative pedagogies, and critical examination of both academia and the criminal justice system. Working for a number of years with the U.S.-based Inside-Out Prison Exchange Program as a facilitator, trainer, and staff-member, Simone went on to co-found Walls to Bridges, a Canadian national program now directed by Shoshana Pollack, in collaboration with the inside and outside members of the Walls to Bridges Collective. In W2B courses held in prisons, jails or in community, university-based students and incarcerated or paroled students come together to build learning,

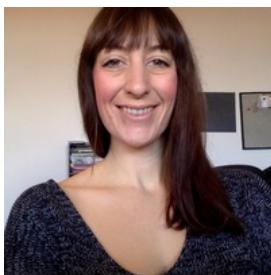
teaching and *unlearning* communities rooted in dialogue and collaboration. A W2B course facilitator, Simone is also a proud member of the Toronto Collective and the national Walls to Bridges network.



Roula Eatrides joined the Immigration and Refugee Board of Canada as Deputy Chair of the Immigration Division in April 2018. From 2015 to 2018, Roula was the Deputy Superintendent, Operations and Corporate Services at the Office of the Superintendent of Bankruptcy, where she managed a national regulatory program. From 2012 to July 2015, Roula was the Executive Director and General Counsel at the Federal Court. In this role, Roula managed the Judicial Services of the Federal Court and provided legal support in the Office of the Chief Justice. From 2009 to 2012, Roula held the position of Registrar of the Tax Court of Canada, where she managed all Registry Services of the Tax Court. Prior to joining the Public Service, Roula practised law at Osler and Stikeman Elliott. Roula taught Corporate Finance for several years as a part-time professor at the University of Ottawa's Common Law Program, and has spoken about a variety of legal issues at numerous conferences and events. Roula has been recognized for her contributions, including a Public Service Award of Excellence in 2015 for Management Excellence and a Diamond Jubilee Medal in 2012. Roula is a member of the Ontario Bar and holds an undergraduate degree in Economics, an LLB and an MBA.



Denise Edwards is a longtime Walls to Bridges Collective member, a writer of fiction and memoir, and a student in Diaspora Studies and Caribbean Studies at the University of Toronto. In the photo, she is flanked by two fellow Collective members, Tiina Eldridge and Simone Davis.



Jessica Evans holds a PhD in political science from York University and is currently an instructor in the Department of Sociology at Ryerson University in Toronto. Her doctoral research, *Imagined Communities of 'Whiteness': Racial-Nationalist Origins of Settler-State Formation in Argentina and Canada, 1840-1914* examined the role of racialized imaginings of national unity in the material constitution of settler-state institutional capacity. Her current research takes up these insights to explore how changes in the composition, objectives and practices of settler states (notably after the global recession) have given rise to a reformulation of settler subjectivities which calls forth (while re-imagining) foundational ideas of the 'other' as threat to national 'whiteness'.



Rachel Fayter has been involved with the Walls to Bridges program since September 2014, taking her first class at Grand Valley Institution (GVI) in Kitchener. Following completion of the course she applied to join the W2B Collective. Rachel has been involved in the planning and facilitation of W2B Facilitator Training sessions since 2015. And has been actively involved in the community collective, planning and co-facilitating W2B workshops at various academic and community-based settings since her release from GVI in 2017. Rachel has published in the Journal of Prisoners on Prisons, documenting the personal significance of W2B and women's experiences of incarceration. She also co-authored a book chapter with two uOttawa professors concerning the first W2B class held at the Ottawa-Carleton Detention Centre. Additionally, she has shared her experiences on CBC National Radio. Rachel holds an MA in Community Psychology from Wilfrid Laurier University, and is currently finishing her first year of doctoral studies in Criminology at the University of Ottawa. Her doctoral research is based on her experience of incarceration focusing on women's mental health and human rights abuses within Canada's federal prison system.



Hanna Gros is an immigration and refugee lawyer practicing in Toronto, and she also conducts research on immigration detention at the International Human Rights Program of the University of Toronto's Faculty of Law. Hanna co-authored three reports on the Canadian immigration detention system's impact on children and individuals with mental health issues - *We Have No Rights* (2015), *No Life for a Child* (2016), and *Invisible Citizens* (2017). Hanna also authored a joint submission on immigration detention for Canada's third Universal Periodic Review before the UN in 2018. Hanna is currently working on a new report exploring issues of procedural fairness in detention review hearings



Lisa Guenther is Queen's National Scholar in Political Philosophy and Critical Prison Studies at Queen's University in Canada. She is the author of Solitary Confinement: Social Death and its Afterlives (2013) and co-editor of Death and Other Penalties: Philosophy in a Time of Mass Incarceration (2015). From 2012-17, she facilitated a discussion group with men on death row in Tennessee called REACH Coalition. She is currently a member of the P4W Memorial Collective in Kingston, Ontario.



Susila Gurusami is an assistant professor of sociology at the University of Toronto. She is currently working on a book tentatively entitled “Making it Home: Race, Gender, and Carceral Migration” based on ethnographic and photo-elicited interview data with formerly incarcerated Black women in Los Angeles. She uses the pronouns “she/her.”



Louis-Philippe Jannard, LL.D. Candidate, holds a master’s degree in International Law and a bachelor’s degree in International Studies (Université de Montréal, 2009 and 2006). He is currently pursuing my doctoral studies in law at Université du Québec à Montréal. His research focuses on immigration detention in Canada and is supported by the Social Sciences and Humanities Research Council of Canada (2016-2020). His research interests also include immigration law, access to justice issues, the sociology of law, and qualitative methodology. He has previously worked with the United Nations High Commissioner for Refugees in Canada as a Protection Assistant and with the Montreal Holocaust Museum.

M’Bai Babou Jobe was born in Gambia west Africa, grew up in the United States undocumented. When the threat of getting deported rose he decided to flee to Canada to stay closer to his family. His stay in Canada has had its ups and downs but it moulded him to the man he is today: a loving father and husband, a big brother and son to his family in U.S., a Pan African with the vision and determination that one day his brothers and sisters will wake from this mental bondage and rise to our full potential. He hopes to be a catalyst in this matter and advocate for change in the system.



César Cuauhtémoc García Hernández is a writer and law professor at the University of Denver who focuses on migration policing. In December 2019, he will release a book, *Migrating to Prison: America’s Obsession with Locking Up Immigrants* (The New Press), about the U.S. reliance on prisons to regulate human mobility. In 2015, he published his first book, *Crimmigration Law* (American Bar Association). His op-eds have appeared in *The New York Times*, *The Guardian*, *Newsweek*, and elsewhere. He has been quoted in *The Wall Street Journal*, *National Public Radio*, *Public Radio International*, *The Guardian*, *The Nation*, *La Opinión*, and numerous other publications.

César publishes crimmigration.com, a blog about the convergence of criminal and immigration law. In 2014, he received the Derrick A. Bell, Jr. Award by the Association of American Law Schools Section on Minority Groups, an honor issued to a “junior faculty member who, through activism, mentoring, colleagueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice.” He has served as a scholar-in-residence at the University of California, Berkeley and Texas Southern University.

During the spring of 2018 he was a Fulbright scholar in Slovenia where he was affiliated with the Institute of Criminology at the University of Ljubljana. He is currently a member of the American Bar Association Commission on Immigration.



Sarah Ashford Hart is a socially engaged performance practitioner, scholar and educator from a Canadian-Venezuelan-American family background. She completed her BA in Theatre at Barnard College, Columbia University, in NYC and her MA in Devised Theatre at Dartington College of Arts, Falmouth University, in England. Over the past 13 years she has developed her arts practice/research in Russia, England, Venezuela, Chile and the US. Her work has explored participatory techniques for generating social dialogue across difference, by creating multilingual spaces to explore the mutability of 'belonging' and 'community'. She has facilitated projects that voiced the stories of refugees in rural England, developed the communication skills of youth in New York, enhanced the interactive pedagogical tools of English teachers in Caracas, and visibilized the perspectives of inmates in Chilean prisons.

Sarah's PhD research in Performance Studies at UC Davis focuses on establishing a participatory methodology for the self-expression of experiences of mobility and enclosure, specifically among incarcerated, migrant women and children in California and Chile. Mapping ethical guidelines for engaging participants with diverse perspectives on migration as protagonists in artistic/academic dialogues, her performance practice/research currently explores intersections between 'self' and 'other', 'local' and 'foreign', participant and facilitator. Aims included intervening in conditions of isolation and *invisibilization* within immigrant detention and shifting representation away from hegemonic narratives that *racialize* and *criminalize* certain migrant bodies within the discourse of the nation state, by creating a space of enhanced connection and care, exploring multiple *relationalities* through performance, facilitating *affective attunement* and reflecting on tactics of survival and freedom that exceed the language of statehood and its enclosures. During 2019-20 Sarah will conduct fieldwork in Colombia, as a Fulbright student scholar, working with the Universidad Distrital's Faculty of Arts in Bogotá. She will research socially-engaged performance initiatives engaging internally displaced people and Venezuelan migrants.



Lisa Kerr JD (UBC), LLM, JSD (New York University) is Assistant Professor at Queen's University, where she teaches courses on criminal law, sentencing and prison law. Professor Kerr was previously staff lawyer at Prisoners' Legal Services in British Columbia. She completed her doctorate at New York University as a Trudeau Scholar. She has worked on public interest litigation with Pivot Legal Society and serves on the board of the BC Civil Liberties Association.



Rachel Kronick is an assistant professor in the department of psychiatry of McGill University. She works with children, youth and families as a psychiatrist at the Jewish General Hospital and Benny Farm CLSC. She completed her residency at McGill University and a clinical and research fellowship at the University of Toronto at the Hincks Dellcrest Institute. She has a Masters of Psychiatry from McGill University. Her research looks at immigration policy and its consequences for children and families, with a specific focus on immigration detention.



Allegra M. McLeod is Professor of Law at Georgetown University. She teaches and writes about criminal law enforcement, constitutional law, immigration, inequality and movements for economic and social justice. Prior to coming to Georgetown, McLeod practiced immigration and criminal law at the California-Mexico border as an Arthur Liman Public Interest Fellow and staff attorney with the ABA Immigration Justice Project, an organization she helped to create. She has taught political theory at Stanford University, served as a consulting attorney with the Stanford Immigrants' Rights and Criminal Defense Clinics, worked with the ACLU National Prison Project and clerked for Judge M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit. Her publications appear in Harvard Law Review, Georgetown Law Journal, California Law Review, UCLA Law Review, Yale Law & Policy Review, Harvard Unbound, and American Criminal Law Review.



José Jorge Mendoza is an assistant professor of philosophy at the University of Massachusetts Lowell and co-editor of *Radical Philosophy Review*. His primary areas of research are in moral and political philosophy, philosophy of race, and Latin American philosophy. He is also the author of *The Moral and Political Philosophy of Immigration: Liberty, Security, and Equality* published by Lexington press in 2017.



Marlené Mercado is a prison abolitionist who is in her second year of the Cultural Studies Doctorate program at UC Davis. She is originally from El Paso, TX. A Tejana and niña de la frontera. As a scholar activist her research is focused on the police state, prison abolition and the solidarity that seeps through concrete walls between inside and outside prisons. Because Marlené is committed to praxis, she spent the 2017 summer in Tijuana and 2018 summer in Juárez as a member of "Humanizando la Deportación" project assisting in documenting digital stories of individuals who had experienced deportation. She also works with currently incarcerated folks through the Incarcerated Workers Organizing Committee chapter in Sacramento.



David Moffette trained as a sociologist at York University and is an assistant professor in the Department of Criminology at the University of Ottawa. His research interests include Spanish and Canadian immigration policies, borders and bordering practices, the securitization and criminalization of immigration, the intersections of immigration law and criminal law, urban policing, and race and racism. He is currently the principal investigator for a SSHRC-funded community-engaged research on experiences with the police in various communities in Ottawa. David has also been involved for the past 15 years in social justice and migrant justice struggles in Quebec and Ontario. A report that he co-authored with No One Is Illegal-Toronto and the Law Union of Ontario (2015) – and recent Access to Information data he provided to journalists – contributed to the public debate about the collaboration between municipal police officers and the CBSA in Montreal and Toronto. He is currently a member of the Ottawa Sanctuary City Network.



Petra Molnar is a lawyer and researcher at the International Human Rights Program at the University of Toronto Faculty of Law. She is the co-author of "Bots at the Gate: a Human Rights Analysis of Automated Decision-Making in Canada's Immigration and Refugee System." She is currently researching the use of AI in global migration at the University of Cambridge.



Nicole Myers joined the Sociology Department at Queen's University as an Assistant Professor in July 2018 after four years at Simon Fraser University's School of Criminology. She completed both her MA and Ph.D. at the Centre for Criminology and Socio-Legal Studies at the University of Toronto.

Nicole is currently working on analyzing data collected from 500 bail case files, and 163 interviews as part of a SSHRC supported project, '*Surveillance and Control Pre-trial: Supervision and Conditions of Release on Bail*.' This study examines bail practices and outcomes in Vancouver and Toronto. She conducted semi-structured interviews with people who have been released on bail and people who have acted as sureties to understand the experience of being on bail subject to supervision and conditions of release. To assess the effectiveness of supervision and conditions of release in ensuring accused return to court, to not commit further offences or interfere with the administration of justice she tracked accused through the criminal court process. By accessing completed court records, she was able to follow accused from release on bail to case completion to see if accused return to court with a new substantive offence or a charge of failing to comply. For those who fail to comply, data was collected on the nature of the breach as well as the ultimate consequence of the breach.

While her recent work has focused on the bail process, her interests extend more broadly to include issues around court processing and criminal justice policy. More specifically, she is interested in sentencing policy, how being processed through the system is often experienced as punishment (denial of bail (pre-trial detention), conditions of release, lengthy court processing, use of incarceration for administration of justice offences), accused people's understanding of the process and the provision of publicly funded legal services.



Hon. Kimberly Pate, Senator, was the executive director of the Canadian Association of Elizabeth Fry Societies. In 2014, she was named a Member of the Order of Canada for advocating on behalf of women who are marginalized, victimized or incarcerated, and for her research on women in the criminal justice system.



Marlene Nava Ramos is a doctoral student in Earth and Environmental Sciences (Geography) at the Graduate Center of the City University of New York where she studies the political economy of immigration detention infrastructure under the advisement of Dr. Ruthie W. Gilmore. Her dissertation explores the infrastructural expansion of immigration detention in the states of Florida, New Jersey, and Texas since the 1980s as part of the country's uneven prison build-up. Her involvement in immigration justice and abolitionist efforts over the last ten years deeply informs her research questions and methodologies. She is a member of the NYC Chapter of Critical Resistance. Marlene teaches in Bard College's Prison Initiative program and in the Department of Earth, Environmental, and Geospatial Sciences at Lehman College, one of CUNY's senior campuses. She is an alumna of Columbia University and Cornell University.



Dylan Rodríguez is a Professor of Media and Cultural Studies at the University of California, Riverside and incoming President of the American Studies Association for 2020-2021. He was elected Chair of the UCR Academic Senate by his faculty peers in 2016 and again in 2018, and chaired the Department of Ethnic Studies from 2009-2016. Dylan is the author of *Forced Passages: Imprisoned Radical Intellectuals and the US Prison Regime* (2006) and *Suspended Apocalypse: White Supremacy, Genocide, and the Filipino Condition* (2009). His third book, *White Reconstruction*, is forthcoming in 2020 from Fordham University Press. Dylan has helped build the foundations for three emergent scholarly fields: critical carceral studies, critical ethnic studies, and critical Filipinx studies. He has spoken and written in a wide cross-section of scholarly and public venues, including *Social Text*, *Radical History Review*, *American Quarterly*, *The Real News Network*, and *Huffington Post Live*. His thinking, writing, and teaching focus on how regimes of social liquidation, cultural extermination, physiological evisceration, and racist

terror become normalized features of everyday life in the alleged “post-civil rights” and “post-racial” moments. He is interested in the forms of collective genius and creativity that emerge from such conditions, and how such insurgencies envision transformations of power and community.



Alex Sager is Associate Professor of Philosophy and University Studies at Portland State University. Recent publications include *Toward a Cosmopolitan Ethics of Mobility: The Migrant's-Eye View of the World* (Palgrave Macmillan, 2018) and *The Ethics and Politics of Immigration* (Rowman & Littlefield, 2016). He is currently completing *In Defense of Open Borders* (Rowman & Littlefield, Off the Fence).



Nandita Sharma is an Associate Professor in the Department of Sociology at the University of Hawaii at Manoa (Honolulu). Her research interests address themes of human migration, migrant labour, national state power, ideologies of racism and nationalism, processes of identification and self-understanding, and social movements for justice. She is the author of *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada* (University of Toronto Press, 2006) and *Home Rule: National Sovereignty and the Separation of Natives and Migrants* (Duke University Press, 2020). Nandita supports No Borders movements and those struggling for a global commons.



Stephanie J. Silverman is a research associate at the Centre for Refugee Studies at York University, and a partner at the Thinking Forward human rights consultancy. She is also on the International Detention Coalition’s Advisory Committee, a Member of the Rights of Non-Status Women Network, and the Vice-President of the Canadian Association of Refugee and Forced Migration Studies. Until May 2019, Stephanie was on faculty at the Ethics, Society and Law Program, University of Toronto. In 2018, Stephanie finished her tenure as the Bora Laskin National Fellow for Human Rights Research. Stephanie received her DPhil from the University of Oxford in 2013, where she was a Commonwealth Scholar and associated with the ESRC Centre on Migration, Policy and Society.

Stephanie’s research primarily examines immigration detention and Alternatives to Detention Programs, as well as the criminalization, securitization, illegalization, and ethical justifications of immigration control. In addition to coediting *Immigration Detention: The Migration of a Policy and its Human Impact* (Routledge, 2015, 2017), Stephanie publishes regularly across peer-reviewed journals, scholarly and government reports, book chapters, working papers, and in the popular press. McGill-Queens University Press will publish her

new monograph, *Demystifying Detention: Canada's Shadow Prison System and the Future of Migration Control*.



Jonathan S. Simon is the Lance Robbins Professor of Criminal Justice Law and Faculty Director, Center for the Study of Law & Society, UC Berkeley, School of Law. He teaches courses on legal studies, criminal law and criminology at UC Berkeley. His scholarship deals with the origins and afterlives of mass incarceration in the United States.



Sarah Turnbull is Lecturer in Criminology at the School of Law, Birkbeck, University of London. She is completing a study of immigration detention and deportation in the United Kingdom. Sarah writes on issues of gender, race, and punishment, parole, reentry, immigration detention, deportation, border control, and foreign national prisoners. She is the author of *Parole in Canada: Gender and Diversity in the Federal System* (UBC Press, 2016) and has published articles in journals such as *The British Journal of Criminology*, *Punishment & Society*, *Migration Studies*, the *Canadian Journal of Law & Society*, *Social Justice*, and *Time & Society*, as well as authored chapters in several edited books.



Harsha Walia is a cofounder of the migrant justice group No One Is Illegal, author of *Undoing Border Imperialism*, and Project Coordinator at the Downtown Eastside Women's Center. For the past two decades she has been involved in grassroots community organizing. Trained in the law, she has made numerous presentations on race, gender, detention, Indigenous rights, and poverty to the United Nations and she sits on the editorial boards of Abolition Journal and Feminist Wire. She is co-author of *Never Home: Legislating Discrimination in Canadian Immigration* and *Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*.



Jared Will is a member of the bar in Ontario, Quebec and New York State and has been practicing Canadian immigration and refugee law since 2006. He specializes in complex immigration and refugee matters, particularly those involving constitutional law, international criminal law, exclusion, inadmissibility and national security issues. He has recently been counsel on a number of long-term detention cases, and is counsel in *Brown et al v. Canada*, the ongoing challenge to the constitutionality of Canada's immigration detention legislation.

ABSTRACTS

Panel 1: Why Abolitionism in Immigration Detention?

Discussant: Bridget Anderson, University of Bristol

Detention Abolition in the “Hard” Cases

Sharry Aiken, Queen’s Law

Canadian immigration security certificate procedures mandate detention for migrants who are deemed “security risks” by a single judge of the Federal Court. Similarly, the Public Safety Minister may impose detention at any time when an individual’s admissibility in relation to security or criminality is in question. Alternatives to detention are more readily accepted in public debates about immigration control where the spotlight is often on children, families and “ordinary” refugees. My paper proposes to address the case for detention abolition for the “hard” cases – the individuals who may be subject to exclusion or removal based on the risk they pose to Canada’s security. Building on the work of Costello (2015), I offer a critical analysis of the legal grounds in Canada’s *Immigration and Refugee Protection Act* that are deployed to justify detention for these hard cases; and interrogate the reasons typically advanced by border officials and adjudicators for continued detention. By tracing the trajectory of one case, that of *Manickavasagam Suresh*, my paper aims to deconstruct the nexus between security inadmissibility and detention; and to reformulate the case for detention abolition as both a practical and rational policy response to the existential reality of human mobility.

Crisis, Capital Accumulation and the ‘Crimmigration’ Fix in the Aftermath of the Global Slump

Jessica Evans, Ryerson University

This paper proposes a preliminary investigation, at a theoretical level, to the following questions: how do we understand the expansion of carceral immigration policy and spending in Canada, despite evidence that undocumented immigration has decreased in the last decade? I interrogate existing approaches to the rise of ‘crimmigration’, assessing both insights and limitations, and begin to outline some key theoretical shifts/additions that should be considered in exploring ‘crimmigration’ in a specifically Canadian (and thereby settler-colonial) context.

I intend to draw upon and develop the insights of Ruth Wilson Gilmore’s Golden Gulag, which explored the role of carceral expansion in California through a creative reworking of the concepts of ‘spatial fix’ and ‘carceral Keynesianism’. Engaging with the work of Gilmore, as well as Tanya Golash-Boza’s recent work which applies Gilmore’s insights to U.S. ‘crimmigration’, I interrogate the relationship between crisis, capital accumulation and carceral spending as it has developed in Canada. To these important considerations of political-economy I further argue it is necessary to weave through the role of settler-nationalism as a force which foregrounds state (re)building and informs the racialized character of carceral practice (directed towards both immigrants and domestic populations).

No One Is Illegal, Not One More, and Abolish ICE: Movements to End Border Imperialism

Allegra McLeod, Georgetown University

Contemporary movements for penal abolition increasingly regard immigration and criminal law enforcement as associated forms of brutality, dehumanization, and violence. Both immigration and criminal enforcement bureaucracies rely intensely on caging, shackling, and minutely controlling human beings, separating parents from children, isolating, surveilling, depersonalizing, and degrading those subject to their control. Abolition entails eliminating structures of immigration and criminal enforcement, but also constituting alternative forms of sociality and justice that would render imprisonment obsolete. This is what scholar and activist Angela Davis following W.E.B. DuBois conceptualizes as positive abolition—abolition not just as the elimination of those institutions associated with chattel slavery and imperialism or the afterlives of these oppressive practices, but also as an ongoing collective effort to create new forms of egalitarian, democratic coexistence as well as “new terrains of justice in which the prison no longer serves as our major anchor.”

This essay explores how contemporary movements to end immigration detention and enforcement are beginning to articulate and implement new visions of immigration justice. The analysis of these alternative visions of immigration justice unfolds through three case studies. We begin first with the successful efforts of local communities across the United States to shut down local immigration prisons. And as U.S. Immigration and Customs Enforcement (ICE) responded by seeking to remove detained people to remote locations, these communities mobilized both through direct challenges to any such transfers — occupations and direct actions as well as lawsuits — while at the same time galvanizing resources to make certain that even if such transfers took place affected individuals and families would have consistent legal and other support. These efforts reflect a vision of immigration justice that involves simultaneously eliminating sites devoted to caging human beings while marshaling and redistributing public and private wealth to provide for the well-being of those most vulnerable, effectively prohibiting state efforts to isolate certain members of these communities by organizing to maintain connections and continued support. Next, we turn to the work of mostly immigrant women, employed in low-wage sectors of the economy, often as house cleaners, who are organizing networked worker cooperatives to build their own economic and political power. Dulce Hogar, associated with the Beloved Community Cooperative Incubator in Washington DC, for example, is composed of immigrant women worker-owners who provide one another with wage protections, insurance, paid leave, and who enable a basic measure of economic security so that the cooperative members are able to engage in democratic politics, including by pressing for changes in the relationship between local officials and ICE, as well as pressing for other measures that advance economic democracy. Finally, we consider the True Sanctuary Movement which seeks to realize meaningful security for city residents, eliminating racialized policing, for instance, while organizing for participatory budgeting and other paths towards more equitable conditions of collective life. These abolitionist visions of immigration justice offer compelling and creative alternatives to exclusionary xenophobia, excessively cautious and compromised reformism, as well as empty calls for open borders.

Panel 2: Epistemologies of Abolitionism

Discussant: Simone Weil Davis, Ethics, Society and Law Program, University of Toronto

Documenting Detention: Challenges and Assumptions of Privilege and Precarity in Academic Research

Gillian Balfour, Trent University

This research note explores methodological and ethical challenges confronted by the author in completing two field research projects intended to document conditions of confinement and experiences of prisoner re-entry. First, both projects were blocked by university research ethics boards until significant changes were made to the research design. I discuss the correspondence with the Chair of research ethics committees and expose how the interpretive authority of REBs retrenches a “criminology of the other” (Garland 2001). Throughout the textual narratives of the REBs assessments of the projects as ‘unethical’, the prisoner is reified as dangerous and unpredictable, and the prison as walled off from critical inquiry. Second, I discuss the ethical dilemmas of working with those with lived experiences of incarceration. As researchers face limited access to prisons, some have turned to former prisoners as participants or as co-investigators. This relationship exposes the precarity experienced by those who have been imprisoned, its impact on their well-being, and the ethical consideration of research causing further harm or trauma to those who seek to leave prison behind.

‘Mass Incarceration’ is a Useless Term: Race, Domestic War, and the Long Carceral Half-Century

Dylan Rodríguez, University of California, Riverside [via ZOOM](#)

This presentation examines the political domestication of the term “mass incarceration” as a strangely generic term of 21st century liberal-progressive coalescence. The mass incarceration reform narrative resuscitates a predictable script: *That if there is such a massive problem, it can be fixed; that if “we” bring rational heart to mind in another adventure of humanist reform, that if we follow the stories into the tragedy and insist over-and-over-again that such harrowing details are not the intended outcome of this state or its martialing of police and punitive legal force, then solutions are imminent, and no drastic changes to national culture, policy, or law will be necessary, and the threads of a racial modernity may once again be pulled taut around the jagged, always-disarticulating edges of the civil underside, where the statecraft of terror unfolds on intimate geographies of the flesh.*

Against the increasingly common use of “mass incarceration” across a political spectrum ranging from reformists to abolitionists, a close conceptualization of the targeted, gendered racial colonial genealogy of *incarceration* provides a vital scholarly-activist analytic.

Incarceration has constituted—and been constituted by—the complex interaction of gendered racist relations of chattel and colonial power in their long, overlapping genealogies. Carcerality is thus a *systemic logic and institutional methodology* that produces and coheres spatial, cultural, and juridical structures of human dominance within social and state formations: carceral logics take the form of narrative, juridical, spatial, and sociopolitical processes through which criminalized or otherwise (ontologically and socio-culturally) pathologized populations are rendered collective targets of state-sanctioned social liquidation and political neutralization. Understood as a systemic logic and institutional methodology, incarceration materializes through numerous historically specific regimes of dominance, from apartheid, military

occupation, imprisonment, and compulsory schooling to Native American reservations, environmental racism, and normative (colonial) sexual categorizations. Such regimes defy the “mass” of “mass incarceration,” and suggest a statecraft of violence that targets specific populations, bodies, and ecologies in the waging of carceral war.

Such a capacious and distended conception of incarceration suggests its historical inseparability from the emergence of Western modernity and the architectures of Civilization. Incarceration facilitates protracted and immediate, spectacular and fatal forms of oppressive violence through the power relations of race, gender, class, sexuality, (dis)ability, nation, religion, and citizenship, among other socially ascribed differentiations of human being. Contrary to being a scandalous excess of the racial/racist state in the post-civil rights period, incarceration is more accurately understood as a paradigmatic—that is, fundamental, indispensable, and structuring—modality of what Frantz Fanon and Sylvia Wynter call “sociogeny.”

Beneath, around, and actively overwhelming the sterile and increasingly state-sanctioned phrase “mass incarceration” there is institutionalized misery, collective anticipation of everyday racist state aggression, and forms of creative radical and conspiratorial genius that might best be traced to the fugitive and plantation liberation praxis of the enslaved, alongside the historically colonized and occupied peoples around the planet who have figured out how to survive—and periodically disrupt or even overthrow—their own involuntarily inherited forms of occupation, policing, and spatial incarceration. It is toward this genealogy of insurgency that abolitionist praxis must continuously turn, with humility, capaciousness, and ethical urgency.

States and Human Immobilization: Bridging the Conceptual Separation of Slavery, Immigration Controls, and Mass Incarceration

Nandita Sharma, University of Hawai'i, Manoa

All states have attempted to control human mobility. However, the form that state power takes – monarchical, imperial, or national – changes how states immobilize people. In this presentation, I argue that states’ implementation of immigration controls were crucial for the rise of nation-states and for the nationalisms that became crucial to their legitimacy. I discuss how immigration controls were first imposed after the end of slave labour relations in the British Empire. The success of the slavery abolitionist movement led to new forms of labour control and labour discipline operationalized through restrictions on who could enter a state’s territories and regulations on their conditions of work. At the same time, carceral methods of control and discipline were enacted against formerly enslaved people to terrorize them into a more compliant labour force (Alexander, 2010). Together, immigration and carceral controls created groups of people who were denied access to the mythical institutions of liberal democracy: liberty, freedom (especially of their labour power), and equality. Different arenas of laws governed these people’s immobility, however, and, over time, the people subjected to them also came to be seen as unconnected and even antagonistic to one another. Their separation augmented the strength of nation-states to continue to impose conditions of unfreedom on both those regarded as “failed citizens” and “migrants” (see Anderson, 2013). I argue that contemporary social justice struggles for No Borders will, in turn, be strengthened, by analyzing the links between slavery and immigration controls, the links between the incarceration of subordinated citizens and those classified by states as “migrants,” and how both prison abolition and No Borders are working to end state controls on human mobility.

Panel 3: Ethical and Legal Imperatives for a World Without Immigration Detention

Discussant: Christina Clark-Kazak, University of Ottawa

Migrating to Prison: America's Obsession with Locking up

César Cuauhtémoc García Hernández, University of Denver

"Migrating to Prison: America's Obsession with Locking up Immigrants" focuses on immigration imprisonment's support across the political spectrum for locking up people who violate migration regulation. The book takes a hard look at the immigration prison system's origins in the war on drugs, how it currently operates, and why. Immigrants fill jails and financial coffers. Private prisons have an outsized presence and local governments see imprisonment as a jobs program financed by Washington. Meanwhile, the refrain that immigration law is "broken" obscures the perverse reality that imprisonment exposes: immigration law is working as designed. Immigration prisons don't exist because the system has malfunctioned. They exist to punish, stigmatize, and marginalize. That is exactly what is happening. Rather than continue along this path, *Migrating to Prison* uses immigration imprisonment as a lens through which to reimagine migration. By steering immigration law away from its demonizing rhetoric and security fetish, it may be possible to conceive of a future without immigration prisons. Instead of viewing immigration imprisonment as an economic opportunity vital to a rational immigration policy, *Migrating to Prison* is intended to spur conversation about immigration imprisonment's racist origins and harmful edges in service of a more fundamental objective: abolition.

Crimmigration: the Need for a Robust set of Immigrant Rights

José Jorge Mendoza, University of Massachusetts – Lowell

In his recent book, David Miller defends the view that states have a presumptive right to exclude non-refugee immigrants. In defending this view, Miller concedes that if states were unable to enforce their desired immigration policy, they would in effect not have the right to exclude. In other words, any argument for limiting a state's immigration enforcement could potentially provide an indirect justification for open-borders. To foreclose this possibility, Miller suggests that undocumented immigrants should be afforded only the most minimal protections from a state's enforcement apparatus. Miller's defense of this rests on two key assertions. The first is that immigration controls are preventative and not coercive. In other words, when states enforce their immigration policy they are not "coercing" immigrants so much as "preventing" them from entering or remaining in the state. Second, he rejects the idea that a "firewall" between immigration enforcement and vital public services is a necessary requirement of justice. This is because "protecting" the human rights of undocumented immigrants is, on his view, consistent with actions that may strongly "deter" undocumented immigrants from exercising those rights. In this paper, I argue that Miller's two assertions make it impossible for an account like his to guard against the threats that come from "crimmigration" and that these threats are more morally and politically problematic than instances of undocumented immigration. If my account is successful, it will show why, *pace* Miller, it is actually better to allow for a robust set of immigrant rights—even when that potentially leads to an indirect argument for open-borders—than to allow for the moral and political harms that come with *crimmigration*.

Immigrant Detention and the Moral Logic of Abolitionism

Alexander Sager, University Studies and Philosophy, Portland State University

The growth of immigrant detention around the world is morally troubling, in no small part because the deprivation of liberty is one of the most serious harms that we can inflict on a person. Since immigrant detention is represented as an administrative measure and not as a punishment in immigration enforcement, many of the justifications for incarceration used in other contexts fall flat. Unless states wish to maintain that they are arbitrarily inflicting detention on immigrants because they have the power to do so, moral analysis is needed.

I examine three approaches for analyzing the ethics of immigrant detention: 1) approaches that focus on individual rights to liberty, due process, and freedom from cruel treatment; 2) procedural justice-based accounts that emphasize the lack of legal and democratic mechanisms necessarily to legitimize detention; and 3) accounts that analyze immigrant detention in the context of broader questions of structural injustice. Though rights-based and procedural justice-based accounts identify important wrongs, they need to be supplemented by an account of structural injustice. In particular, immigrant detention needs to be brought into dialogue with broader abolitionist movements that emphasize how racialization and dehumanization are central to mass incarceration. It is the account of structural injustice that supports a moral case for abolitionism

"Then I'll huff, and I'll puff, and I'll blow your house in." Three cautionary tales to test the argument for Canadian detention abolitionism

Stephanie J. Silverman, Trinity College, University of Toronto

In the context of *De-Carceral Futures*, this paper's contribution will be centered on offering three or four cautionary tales for detention abolitionists in Canada, and searching collaboratively for a means to address the challenges they pose for arguing for global migration governance free from detention (but still assuming sovereign states). The paper flows from a larger book-length project called *Demystifying Detention*; my book documents the rise and normalization of detention in Canada, and finds that the practice is not morally and practically defensible despite Canada's status as a 'model detaining State'. My concluding argument is that scholarly focus should shift away from the most egregious aspects of detention, and move towards dismantling the conditions that led to detention's rise, normalization, and publicization. Yet, my conviction is challenged by real-world examples of self-identified liberal States de-carcerating their migration governance regimes only to offshore these responsibilities overseas. Briefly, these examples include: the European Union's agreement with South Sudan to detain migrants, leading to horrific violations of human rights; Canada's historic and current agreements with 'sending' and 'transit' countries to block migrants from successfully arriving to Canadian shores; Israel's 'buying' places in Rwanda for its formerly detained refugee population through the so-called 'non-voluntary relocation policy'; and Australia's agreements with Nauru, Indonesia, and Papua New Guinea to interdict and indefinitely encamp asylum seekers. In the migration studies literature, these processes are called 'extraterritorial' or 'remote control' practices. How does an abolitionist position simultaneously argue for a radical shift in the upstream conditions leading to a changing world where detention is no longer available, while making sense of such disastrous downstream impacts that are both out of jurisdiction and harder to monitor, as well as funded and supported by the same States claiming to be free from immigrant incarceration?

Panel 4: Canadian Reforms and the Lingering Penal Questions

Discussant: Lisa Kerr, Queen's Law

The Uncooperative Migrant: The Legality of Coercive Detention

Siena Anstis & Jared Will, Immigration & Refugee Lawyers

A migrant held in Canadian prison refuses to hand over a DNA sample to the Canada Border Services Agency. Another refuses to sign a statutory declaration of voluntary return to Somalia where his return is anything but voluntary. A third refuses to sign a travel document that would contribute to his deportation back to Iran. Canadian officials, judges and adjudicators have treated these situations—which are non-exhaustive—as instances of ‘non-cooperative’ behavior by an immigration detainee and, in turn, relied on such conduct to impose lengthy and indefinite periods of immigration detention.

While the issue of an immigration detainee’s ‘non-cooperation’ may seem idiosyncratic and relatively unimportant in the larger scheme of immigration controls and detention in Canada, we argue that this concept provides a constructive window into the fundamental tension that exists within liberal legal and political theory: the tension between the presumed power of exclusion of the ‘Other’ and the rights of migrants. While we start from the position that liberal theory cannot provide an internally consistent justification for border controls, and that it therefore a fortiori cannot provide a coherent justification for detaining people in furtherance of border controls, that is not the end of the story. Recognizing non-cooperation for what it is—an individual exercising her or her personal autonomy in a manner that challenges the State’s sovereign control over its borders—provides a framework within which to both explain the jurisprudence and to articulate modest reforms that may serve to temper the exercise of State sovereignty over non-citizens that otherwise leads to indefinite detention.

We begin by articulating how liberal political theory, and the need to define a community that excludes those outside its borders, is at odds with the rights-respecting discourse that would otherwise defines liberalism’s approach to deprivations of liberty. After providing a brief overview of the immigration detention framework at issue, we highlight the incoherent and underdeveloped case law wherein most courts and adjudicators have completely devalued the uncooperative migrant’s liberty, and then described some of the additional concerns that surround the use of non-cooperation as a justification to continue detention. This further strengthens the argument that non-cooperation is an untenable and highly problematic concept in the immigration detention context. Recognizing that the presumption of sovereignty over not only borders but also the bodies of migrants is indispensable to the liberal political order, we nonetheless close with modest reform proposals that would restrict the degree to which non-cooperation may yield punitive, coercive, and indefinite detention.

“You Are the Author of Your Own Detention”: Anti-Black Racism and the Institutional Epistemology of Ignorance in Canadian Immigration Detention Review Hearings

Harry Critchley, Burnside Prison Education Program & Coady Institute, Nova Scotia & M’Bai Babou Jobe, former detainee and public advocate [via ZOOM](#)

The above quotation is from a transcript of Ebrahim Toure’s immigration detention review hearing (IDRH) from January 2017, conducted via video conferencing from the Central East Correctional Centre. Toure, an unsuccessful refugee claimant originally from West Africa, had been detained since 2013 after having been deemed a flight risk by the Canadian Border Services Agency (CBSA). Having grown increasingly agitated by the *pro forma* nature of his monthly hearings, Toure began screaming as the presiding Immigration Division

Member announced that his detention would be extended for another thirty days, shouting, “I’ve been sitting here four years!” In response, the Member muted his video screen so she could finish reading her decision into the record.

Although Toure was eventually released in September 2018 after CBSA conceded that they would not likely be able to facilitate his deportation, his detention was by no means unique with respect to its length or the persistent and wide-ranging injustices that characterized its administration. Taking up from the stories of Toure and other long-term immigration detainees, including one author’s personal experience in immigration detention at the Central Nova Scotia Correctional Facility, we argue that the administration of IDRHS perpetuates what we refer to as an “epistemology of ignorance.” We adopt this phrase from Mills (1997), who introduces the concept to identify a feature of “the racial contract”—the moral, political, and epistemological agreement between white people that undergirds the social contract and gives rise to white supremacy as a global phenomenon. It refers to a “pattern of localized and global cognitive dysfunctions (which are psychologically and socially functional), producing the ironic outcome that whites will in general be unable to understand the world they themselves have made” (18). That is to say, ignorance acts for this group as a normative *social practice* that shapes its members’ interactions with other in- and out-group members and which is central for sustaining their dominance over and against other social groups.

Our contention in this paper is that there is an epistemology of ignorance at work in the administration of IDRHS that functions in an analogous manner to how, according to Mills, it functions psychologically for individual white persons and socially for white people as a group. Just as, for Mills, ignorance is inculcated amongst white people by means of widely upheld social norms, patterns of behaviour, self-understandings, and unchallenged presumptions, so too, in our view, is *carceral* ignorance, which is essential to the unimpeded operation of the immigration detention system, generated and maintained in part by the institutional arrangements, policies, and procedures that collectively govern IDRHS.

Our argument proceeds in three sections. First, we examine the administration of IDRHS as a series of interconnected *epistemic practices*—that is, patterned sets of actions by means of which members of a relevant community propose, justify, evaluate, and legitimate knowledge claims in and through a normative epistemic framework. Framing IDRHS in this way in turn allows us to understand many of the concerns raised in a recent external audit of the IDRH process, including persistent failures on the part of presiding Members to critically analyze CBSA evidence, to decide afresh on the facts of the case in each new hearing, or to adopt an “active adjudication” approach, as epistemic *vices* that systematically obstruct the acquisition and transmission of knowledge. We analyze a number of these epistemic vices in order to explain how the epistemology of ignorance is produced and what its effects are for immigration detainees. Second, we maintain that both the immigration detention system as a whole and the administration of IDRHS specifically are fraught with pervasive anti-Blackness. We focus on the ways in which long-term immigration detainees of African descent have been and continue to be framed as uncooperative in facilitating their own deportation and therefore as solely responsible for their continued detention. Framing detainees in this way plays central roles in obscuring the procedural and substantive failures of the IDRH process and, more generally, in concealing the social processes and governmental policies through which Black communities are increasingly rendered vulnerable to the state surveillance, confinement, and violence associated with border regulation. Third, we examine the successful campaign spearheaded by prominent African-Canadian activists, including El Jones and Desmond Cole, to stop the deportation of Abdoul Abdi, a former child refugee from Somalia whom the CBSA sought to deport upon the completion of his four-and-a-half year prison sentence in 2018. In light of the epistemology of ignorance at work, we argue that this campaign constitutes a powerful example of what Medina and Whitt (forthcoming) refer to

as “epistemic activism”—that is, strategies of transgressive epistemic interaction advanced for the purpose of highlighting and resisting pervasive forms of socio-epistemic injustice. This example provides key lessons regarding how best to identify and disrupt ongoing practices of ignorance production, maintenance, and mobilization in and through the formulation of what we call an *abolitionist epistemology*.

The Other End of the Lens: Exploring the “Legal Practices” of Immigration Officers

Louis-Philippe Jannard, Université du Québec à Montréal

Using immigration detention in Canada as its case study, my research focuses on the mechanisms designed to exclude and control social groups deemed undesirable. Its main objective is to shed light on the “legal practices” behind these mechanisms. Drawing on Gérard Timsit’s *analyse systémale* and Andrée Lajoie’s *surdétermination* theories (Timsit 1997, Lajoie 1997), it aims to understand what informs these practices, conceptualised as the enactment of laws and their implementation by the many actors of the immigration system. These authors posit that the engendering of law occurs both when it is enacted *and* implemented, and that both practices are influenced (and constrained) by a variety of principles, values, ideas, and uses.

My presentation will focus on the methodological approach used to document the implementation of the immigration detention regime, through the study of the administrative decision-making of immigration officers. Drawing on the preliminary examination of semi-structured interviews realized with such officers, I will also put forward emerging lines of analysis that could help understand the principles, values, ideas, and uses that inform their “legal practices” which, despite being central to the enforcement of such exclusion mechanism, remain seldom studied.

Panel 5: A Wider Lens on the Impacts of Detention on Women, Children, & Others

Discussant: Hon. Kim Pate, Senator

Detention Avoidance or Detention Abolition? Analyzing the Politics of Immigration Detention for Pregnant Women and Vulnerable Groups

Salina Abji, Carleton University

This research examines the framings of justice for pregnant women detained in Canada. The National Immigration Detention Framework (NIDF) identifies pregnant women as one of several ‘vulnerable groups’ where immigration detention is ‘generally avoided’ except in cases where ‘safety or security is an issue’. Yet, the processes and practices of ‘avoiding’ detention are opaque, and the carceral conditions for detained pregnant women are vaguely proscribed. At the same time, the Canadian government’s identification of pregnant women as a vulnerable group raises questions about how state institutions construct and reproduce gendered understandings of vulnerability and risk. In this paper, I approach such practices of detention avoidance as a technology of the carceral state, arguing that such technologies reinforce rather than protect against migrant vulnerability. I focus here on the specific forms of vulnerability experienced by pregnant women across race, class, and immigration status. The research illuminates and probes an important distinction between detention avoidance and detention abolition, arguing that the

former should not be presented as a ‘softer’ version of the latter but rather as operating from opposing logics of state responsibility and migrant justice.

“Femme Technologies as Tools of Subversion and Resistance within Mexican (Im)migrant Womxn Digital Narratives”

Marlené Mercado, University of California - Davis

I had the privilege of participating in the Humanizando la Deportación project as a research participant who conducted interviews with participants across the city of Tijuana in México during the 2017 summer. This project is interested in creating a space and platform for the voices of those who have experienced deportations. It is imperative to include the voices of a population (deported womxn) that are all too often intentionally silenced. It’s also important to hold time and space to unpack particular instances in these digital stories where womxn point to moments of subversion and resistance. In my analysis of these moments of subversion and resistance I argue and show how womxn of color use femme tools and technologies to carry out such subversion and resistance—this resistance manifests in different forms against the state, the patriarchy, machista culture and the U.S. criminal legal system. In this context, femme tools and technologies are defined as tools of subversion and resistance that womxn of color use such as language, literacy and organization. As well as anticolonial agency which can be understood in a material context and that which has cultural specificity and political significance (Olguín 17; Díaz-Cotto 2006).

Vulnerability, Immigration Detention, and (Penal) Reform

Sarah Turnbull, Birkbeck University

This paper examines the British government’s recent concern around ‘vulnerable detainees’ and reforms to policies and practices of immigration detention. It critically explores the notion of ‘vulnerability’ and the production of the ‘vulnerable detainee’ as a certain kind of racialised and gendered (penal) subject who is constituted as less deserving of detention. This ‘making up’ of subjects occurs vis-à-vis other detainees whose confinement is at risk of being normalised and occurs within a broader political and social climate that is increasingly divisive, exclusionary, and punitive towards ‘outsiders’. Drawing on a multi-year qualitative study of immigration detention and deportation, along with recent governmental, non-governmental, and parliamentary reports and policies on immigration detention in the United Kingdom, the paper considers what the lessons learned from complex histories of penal reform can offer the current immigration detention reform movement. By thinking through and unpacking the notion of the ‘vulnerable detainee’, it encourages critical reflection on the potential limitations of reform efforts and how seemingly good intentions can be co-opted by the state to further solidify the power to deprive noncitizens of their liberty.

Panel 6: The Framework of Abolition

Discussant: Lisa Guenther, Queen's University

Carceral Expansion and Resistance in Canada

Souheil Benslimane, Criminalization and Punishment Education Project & Justin Piché, University of Ottawa

From St. John's Newfoundland to Vancouver, British Columbia and from Iqaluit, Nunavut to Toronto, Ontario, provincial-territorial and federal governments are expanding their capacity to cage human beings in jails, prisons, penitentiaries, and immigration detention centres across Canada. This presentation explores the scope of carceral expansion in the Canadian context and how communities can mobilize to resist efforts to increase spaces for human caging by drawing lessons from moratorium, decarceration, diversion, and community building and accountability initiatives led by abolitionist organizers across Turtle Island and elsewhere around the world.

Performance Practice-As-Research on Mobility and Enclosure: Facilitating Affective Spaces of Creative Expression with Detained Immigrants

Sarah Ashford Hart, University of California, Davis

This paper addresses how creative ex-changes potentiate different relational possibilities in spaces of immigrant detention. I facilitated participatory performance workshops in 2017 with migrant women incarcerated in Santiago, Chile and in 2018 with young men seeking asylum, detained in Yolo County, California. Group goals emerged as part of a reflexive praxis, considering participants' interests and expertise and the skills of co-facilitators/collaborators. By exploring performance techniques, including acting, movement, writing, drawing, body-maps (in Chile) and mask-making (in California), we discovered the forms of expression that the groups best engaged with, session-by-session. Here I provide a theoretical frame for understanding this work, addressing the ethics of a critical, ethnographic, participatory performance practice as research approach to validating knowledge traditionally excluded from the academy. As a process of *thinking-doing-writing*, it is my intention to think/feel-with participants' (and facilitators') embodied experiences *alongside* representational codes, as a process of co-learning.

In Chile, my research question was: how can participatory performance offer alternative frames for interaction that fissure discourses of the stratified global mobility regime, by presencing time, space and relationality differently? Although we were not able to change the circumstances of incarceration, I found we could make room for reflecting on how experiences of mobility and enclosure influence subjectivities, analyzing the 'masks' we wear, not as permanent identities, but a scripted set of roles, finding other ways to be ourselves, without heeding oppressive labels, such as 'criminal' and 'migrant'. This generated new questions, that in turn stimulated new explorations. In California, I wondered if we could create a space of 'afecto' (affection, solidarity and care) through performance workshops that offered a momentary place of respite, strengthening affiliations between incarcerated immigrants and those 'outside'. I learned the importance of feeling out agency and its limits, through inter-actions and affective relations, however precarious. By offering time and space to explore multiple relationalities, this work opened up new questions of belonging (beyond citizenship), identity (as more-than self-containment) and human (and more-than-human) rights and interdependences.

I outline here how context-specific facilitation methods emerged from these workshops and discuss how my focus shifted from ‘what they said’ to ‘what I felt’, how my approach changed from a ‘method’ to a ‘non-method’, and how unresolved questions linger. I consider the control of mobility and the carceral as a defining and violent facet of Neoliberal globalization. I also recognize the need for ‘other thinking’, as the colonial/modern paradigm is not the *only* possible way of knowing and being. I end with an argument for centralizing affect in discussions on facilitation, so that a transformed sense of time, space and being in relation to the world might be seen as an ‘artistic practice’ itself, rather than producing an outcome or show. I also ask what we might understand about processes of (de)humanization through this work (in order to transcend the ‘human/nonhuman’ duality). I am interested in the potential for amplifying moments of humanization, understood here as attunement to our inherent interconnectivity and responsibility (ability respond) to the interdependence of *all life*. To this end, I explore ways of re-writing the ‘self’ as relational, while attending to the limits of caring and being cared for.

Moving the fight upstream: Abolitionist responses to immigration policing

David Moffette, Department of Criminology, University of Ottawa

Bridging prison and immigration justice is of utmost importance, and an obvious and strategic point of encounter for dialogue among activists and scholars working on these issues is immigration detention. But as penal abolitionists have taught us, we cannot tackle prison injustice without addressing broader issues in policing, criminal law and other means of coercive social control. To imagine de-carceral futures, we need to challenge the deployment of carceral spaces and practices beyond the prison walls. Taking my cues from this work, I suggest that we move upstream and look at the role of immigration policing in detention and deportation. The paper draws on Access to Information (ATIP) requests about CBSA-municipal police collaboration in Canada to show the willingness of municipal police to help the CBSA identify, detain and remove unauthorized residents. In looking for ways to limit police involvement in internal border control, I start by presenting the legal framework that renders efforts to fight immigration policing difficult. I then discuss strategies that have been proposed to promote a culture of non-collaboration with immigration enforcement and I look to police abolitionists for ideas that can help us move forward.

Panel 7: Monitoring, Community, and Interpersonal Impacts

Discussant: Stephanie J Silverman, Trinity College in the University of Toronto

Carceral Migration: The Sociologies of Race, Space, and Punishment

Susila Gurusami, University of Toronto

In this talk, I provide a brief introduction to a theoretical framework that I call *carceral migration*, which I define as the state’s use of legal punishment to force, restrict, or prevent movement of people of color. I use this theory to articulate an alternative and uniting framework for understanding the treatment of people policed within, at, and outside of U.S. borders. I argue that the state uses carceral migration to racially and spatially regulate people of color. I ultimately reveal how carceral migration can shift existing theories of anti-racist frames of carceral punishment.

Are Algorithms the New Jailers: The Use of New Technologies in Immigration Detention

Petra Molnar, Immigration and Refugee Lawyer

To deal with multiple complex migration crises, states are increasingly turning to emerging technologies to “manage” migration. Their use is widespread: military grade drones are surveilling refugee population movements in the Mediterranean, algorithms are being introduced in decision making in Canada’s immigration systems, and biometric refugee retinal scanning is proliferating in Jordan and Uganda.

New technologies are also being experimented in criminal and immigration carceral systems. In the United States, these experiments are already in full force. In the wake of the Trump administration’s executive orders cracking down on migration, the Immigration and Customs Enforcement (ICE) agency used an algorithm at the United States-Mexico border to justify detention of migrants in every single case. Technology can be used to support and justify hardline policies and assist state policies that profoundly infringe on people’s rights. Under-resourced communities such as non-citizens often have less access to robust human rights protections and fewer resources with which to defend those rights. While Canada has not yet committed to introducing algorithms into its immigration detention regime, they have signaled the increasing use of remote monitoring via ankle bracelets, which raise issues around data collection and privacy rights. Canada is also experimenting with using algorithms for predictive policing, similarly to the US system of using artificial intelligence to try and predict recidivism – a project that has been debunked as overtly racist and inaccurate.

Technological implementations often come with the promise of increased fairness and efficiency. However, technology is not neutral and it exposes existing power relations in society. These considerations are particularly important when thinking about the impact of technology on the often discretionary and opaque policies and decisions that occur at and around borders. The growing use of artificial intelligence, big data and machine learning in migration is also a new way for states to create different hierarchies of rights between citizens and non-citizens, to exercise control over migrant populations, and to renege on their responsibilities to uphold human rights by over-relying on the private sector without appropriate oversight.

Becoming someone’s jailer: Transforming personal relationships in the bail process

Nicole Myers, Queen’s University

Most accused who are released on bail in Ontario require a surety. A surety is generally a family member or friend who promises the court a sum of money and agrees to supervise the accused, ensuring they return to court, do not commit offences and comply with all conditions of release. Sureties are expected to call the police if the accused breaches their bail and failing to do so may result in the surety losing the money they promised the court. In addition to needing to find someone who is able and willing to take on this responsibility, the accused must agree to be amenable to their surety’s supervision and comply with any conditions of release. Using data from court observations and interviews with people who have been through the bail process and people who have acted as a surety, I explore sureties’ understanding of their responsibilities, their motivations for coming forward and the impact their new role had on their relationship with the accused as they were transformed from private citizens into the accused’s jailer in the community. This paper shows that we ought not to underestimate the ramifications of the carceral outside the prison walls. Current bail practices adversely impact the most vulnerable and marginalized, providing additional tools of state surveillance and creating new pathways into detention.

The Infrastructure of Immigration Detention and Expansion of Electronic Monitoring in the Era of Carceral Reforms

Marlene Nava Ramos, City University of New York

In the last three and half decades, the US government deported over six million people, which has required a dramatic expansion in its capacity to apprehend, imprison, and track people into deportation proceedings. Yet, rather than exclusively expanding the capacity of federal agencies, U.S. immigration authorities have scrambled to rely on a highly decentralized and comprehensive network of local jurisdictions, which have themselves engaged in massive carceral expansions and system-wide reforms, albeit unevenly. This paper situates the expansion of immigration enforcement within advocacy initiatives aimed to reform confinement at multiple levels of government. Although sometimes driven by advocates' demands to make conditions of confinement more humane (or less deadly), these reforms have built more efficient and effective linkages between and within federal, state and local corrections agencies and simultaneously expanded the federal and local governments' capacity to police, arrest, imprison and sometimes deport non-citizens.

Lauded as a gentler form of confinement, electronic monitoring is one of the latest outcomes of these reforms that aim to modernize but also simultaneously expand and harden the country's immigration enforcement system. The use of electronic monitoring helps to "fast-track" an ever-growing number of people under the custody of federal immigration authorities. This paper explores physical and electronic forms of confinement in the New York-New Jersey metropolitan region, and defines electronic monitoring as a potential cornerstone strategy of the future of imprisonment and a new form of control. While unlikely that physical forms of confinement become immediately obsolete, the ubiquitous use of electronic monitoring is most apparent under the current era of carceral reforms and infrastructural crisis. The "fast-track" mechanisms used to fling an ever higher volume of people into immigration detention and out (often times in the form of deportation) seemingly provides a detailed roadmap for emergent local state and municipal reforms, some of which, aim to ambitiously shrink their prison and jail populations, but, rest on creating ever-faster "revolving doors", rather than policies that ultimately decriminalize certain activities or slash the number of arrests. This paper ultimately argues for an abolitionist approach, which seizes on public discontent in order to push for true forms of alternatives to incarceration, rather than management and control.

Panel 8: Learning from the Recent Past: Reducing or Eliminating Detention in Canada

Discussants: Nasrin Azar, Refugee Law Office & Nandita Sharma, University of Hawai'i Manoa

Reforms at the Immigration and Refugee Board

Roula Eatrides, Deputy Chairperson, Refugee Protection Division, IRB & Aviva Basman, Assistant Deputy Chairperson, Immigration Division, IRB

This presentation will begin with a brief discussion of the mandate of the Immigration Division of Canada's Immigration Refugee Board in relation to immigration detention. The current context will be mapped and data will be presented concerning the number of individuals, children (both accompanied and unaccompanied) and families currently in detention, the grounds for their detention, length of detention,

as well as their gender and country of origin. Reflections will be offered on the mechanics and challenges of achieving a more compassionate and active adjudication culture along with outcomes that are more closely aligned with the tribunal's statutory mandate

No Prisons on Stolen Land: Abolition and Decolonization as Interconnected Struggles

Lisa Guenther, Queen's University

Every prison, jail, and detention center in Canada is built on Indigenous land. In some cases, title to this land was negotiated through treaties; in other cases, the land remains unceded and unsurrendered. But even if we closed every correctional institution in Canada, this would not, in itself, abolish the carceral-colonial power that structures the settler criminal legal system and polices the borders of the settler state. In order to be effective, abolition movements must not only aim to reduce the number of people in detention; we must also dismantle the structure of propertied personhood at the heart of carceral-colonial power. Locke's theory of property develops a basic template for the construction of (racialized, securitized) propertied personhood, and critical work by Cheryl Harris, Aileen Moreton-Robinson, Glen Coulthard, Brenna Bhandar, and others offer powerful tools for its deconstruction.

Advocacy Against Immigration Detention in Canada: Comparing Strategies of Change

Janet Cleveland, McGill University, Michaela Beder, University of Toronto, Hanna Gros, University of Toronto Faculty of Law & Rachel Kronick, McGill University

This presentation will examine the evolution of advocacy movements against immigration detention in Canada over the past fifteen years. Our account will build on our collective first-hand involvement in these efforts, from opposition to security certificates through petitions against mandatory detention of designated foreign nationals and child detention to open letters calling for abolition of immigration detention. In light of an analysis of the strengths and weaknesses of these campaigns, we will reflect on the relative advantages of three main strategies. The first is based primarily on an appeal to humanitarian sentiments, focusing on abusive conditions or harm to vulnerable populations, often without fundamentally challenging the legitimacy of immigration detention. The second approach proposes a critique of immigration detention framed in terms of universal human rights, notably equal treatment of citizens and non-citizens, emphasizing that incarceration may only be justified in the context of criminal offenses, and not as an administrative tool to regulate migration. The third approach proposes an understanding of immigration detention as a form of structural violence against racialized, often impoverished populations from the global South, and is generally rooted in a broader critique of the legitimacy of migratory controls.